



LAW OFFICE OF KENNETH E. BERGER, LLC

December 2016 Newsletter

SAFETY FIRST JUSTICE ALWAYS



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“Teach to Learn”

BY KENNETH BERGER

Paulo Coelho is best known for his book, “The Alchemist.” It’s a good read. However, it was Coelho’s “The Pilgrimage,” which he published a year earlier, that had the larger impact on me, if for nothing else than introducing the notion that a special form of learning comes from teaching.

Think about your own experience. From parenting to mentoring to simply explaining an idea to another, we learn when we teach. I’ve always said that the best lawyers I know happen to be the ones who are quickest to share their time and knowledge. These people are teachers. They are also lifelong learners. They are students of the

law who in turn become masters by conveying ideas and expanding upon them. Though the process begins through an accumulation of reading and listening, it culminates and repeats through writing and speaking.

I do my best to give time to young lawyers and business people, not only because the same is/was done for me, but also because I benefit. Ideas crystallize, and what once seemed complex tends to become simple. If you want to better understand a concept, first learn from the absolute best teacher you can find, then teach the concept to others who follow your path.

DISCLAIMER: ANY RESULT I MAY ACHIEVE ON BEHALF OF ONE CLIENT IN ONE MATTER DOES NOT NECESSARILY INDICATE SIMILAR RESULTS CAN BE OBTAINED FOR OTHER CLIENTS. IN ADDITION, SOME OF THESE RESULTS WERE OBTAINED IN CONNECTION WITH OTHER FIRMS. I AM A SOUTH CAROLINA INJURY LAWYER, NOT A MIRACLE WORKER. I EVALUATE EVERY CASE ON ITS OWN MERITS AND ONLY ACCEPT A LIMITED NUMBER OF NEW CASES EVERY YEAR. 1

INTOXICATED BOATER CAUSES SKULL FRACTURE

It is early-May 2016. A large group gathers on a sandbar that runs along Lake Marion. The group is drinking alcohol, playing music, and enjoying the warm spring weather. As the afternoon begins to give way to dusk, one of the men - who is a few years older than most of the crowd - assures his passengers that he is fine to drive, and takes off from the sand bar.

He is not fine. He strikes a concrete pillar. Our client, Ashley, is thrown forward, striking her head on the concrete post as she flies out of the boat. She then lands in the water. Rather than stop and try to help the injured girl, the drunken boat owner keeps going. Fortunately, there is a man on a jet ski who witnesses the incident, and is able to pull Ashley out of the lake before she goes completely under.

In addition to a skull fracture, Ashley suffers bleeding on the brain. Though the first few months are extremely challenging, she now appears to be on the road to a full recovery.

Ashley was one of four people injured. The owner of the boat, however, only has \$100,000.00 in insurance coverage. The challenge therefore became how to obtain as much of a small pie as possible for Ashley, and to put sufficient pressure on the insurance company early in the case to force them to pay without the time and expense of multi-year litigation. I am pleased to say we accomplished both objectives for our client.

FOR REFERRING ATTORNEYS

If you are one of our many referring attorneys, we want to thank you for allowing us to serve. Your trust means a great deal.

We seek to strengthen your relationship with the client by providing him/her with a great experience, as well as a great result. Additionally, we always make it a point to emphasize that you are truly the person to thank, as it was your good judgment that allowed us to take part in their representation.

If questions arise in the coming month concerning a life-changing injury or wrongful death case, we are here to help. From simply answering your questions to being associated on or referred the case, please let us know what we can do to benefit you and the client. Likewise, if you have a potential client call us directly, be sure to have him/her say who made the referral so we know who to thank.

To discuss anything from litigation tactics to our core values, call us at (803) 790-2800 or email kberger@bergerlawsc.com.

THE BEST AMONG US:

Joyce Davis

Joyce Davis is a Certified Brain Injury Specialist who also serves as the Executive Director for the Brain Injury Association of South Carolina (BIASC).

BIASC is a nonprofit organization which was developed by persons with brain injury, their families, and concerned professionals in an effort to provide information and support to those who have experienced brain injury. One way you can help BIASC achieve their mission and help your family, friends, and colleagues with brain injuries is by making a tax-deductible contribution to the BIASC. For more information, visit biausa.org/sc/membership.

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FIRM SNAPSHOT:

JAY NASH & LAUREN MCALEXANDER

2016 has been a wonderful year here for us as we have continued to grow our business and our staff. In the past months, we have added a Research Specialist, Jay Nash, and a Marketing Coordinator, Lauren McAlexander.

Jay, a Columbia native, has been in the financial and customer service industry for a combined two decades. He has a tremendous love for improving the health, safety and overall livelihood of South Carolinians. He and his wife, Hallie, are proud parents to two children. Lauren graduated from the University of South Carolina with a degree in Public Relations in May of 2015. She spent a year in Retail Marketing before joining us in July. She is a native of Charlotte, North Carolina who loves the Carolina Panthers, Columbia Fireflies and going on walks at the river with her dog, Nahla.



NURSING HOMES: THE WARNING SIGNS AND EVIDENCE OF ABUSE

The term “nursing home abuse” can have a variety of definitions. It may include harm that’s inflicted physically, emotionally, sexually, or verbally. No matter what type of abuse an elderly person experiences, our laws in South Carolina are intended to hold the individual culprit and facility responsible.

If you think your loved one is suffering at the hands of a caregiver, report your concerns to the nursing home director, the South Carolina Department of Social Services, and the Lt. Governor’s Office on Aging. You may also consider filing a legal claim against the facility.

Physical Signs of Abuse

The CDC estimates that more than 500,000 adults experience abuse or neglect every year in the United States. Make sure you are aware of the potential red flags and warning signs, including:

- bed sores
- hair loss
- malnutrition or dehydration
- cuts, scrapes, bruises or burns
- head injuries or broken bones
- unexplained infections or sexually transmitted diseases
- unexplained weight loss or weight gain
- torn, bloody or stained bedding or clothes
- unsanitary conditions, poor hygiene or a smell of urine or feces
- sudden changes in financial accounts or missing personal items

Emotional Signs of Abuse

Elder abuse may also wreak emotional and mental havoc. An abused patient may exhibit the following behaviors that you need to be aware of:

- fear of being touched
- agitation
- withdrawal
- infantile behavior
- unresponsiveness
- listlessness, wandering or being non-communicative
- anxiety around certain or all staff members.

While these behaviors are not always evidence of victimization, when present with other emotional or physical symptoms, they could be cause for concern. Speak to your loved one candidly about their care, and report any suspected abuse to the appropriate personnel and state agencies. If you notice any of these signs, report it immediately.

I have helped a number of families take action against abusive senior care facilities, and am here to answer questions you may have. I do not want to see any more vulnerable, elderly citizens mistreated. Nor do I want another facility in South Carolina to get away with hurting the innocent. To speak with me today, call 803-790-2800.

LAW OFFICE OF KENNETH E. BERGER, LLC
5205 FOREST DRIVE, SUITE 2
COLUMBIA, SC 29206

DECEMBER 2016 NEWSLETTER

CLIENT REVIEW:

5.0 ★★★★★

via Google

Bill S. of Lexington, SC

“Kenny has handled my workers’ comp case with the utmost integrity and honesty. He and his team have led me through a difficult time in my life after my work injury. They are always available to answer all my questions, and to keep me informed through the entire process. I have had complete confidence throughout my case that the Law Office of Kenneth E. Berger has had my very best interest in mind. By ensuring that I got the best medical care available, and fair treatment from the insurance company, they have made this process as stress free as possible. Please consider Kenny for any of your personal injury needs; he has earned my highest recommendation.”

NOTE: THIS PUBLICATION IS INTENDED TO EDUCATE THE GENERAL PUBLIC ABOUT PERSONAL INJURY, CIVIL LITIGATION AND WORKERS’ COMPENSATION ISSUES. THE INFORMATION CONTAINED IN THIS PUBLICATION IS NOT LEGAL ADVICE. EVERY CASE IS DIFFERENT. THE INFORMATION IN THIS NEWSLETTER MAY BE FREELY COPIED AND REDISTRIBUTED AS LONG AS THE NEWSLETTER IS COPIED IN ITS ENTIRETY.



CONTACT US

OFFICE: (803) 790-2800

FAX: (803) 790-2870

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